

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
FAMILY COURT DIVISION
HOLDEN AT LUSAKA
(Divorce Jurisdiction)

2024/HPF/D480

BETWEEN:

BRENDA NANYUNGA SAKALA (NEE MWIINGA)

PETITIONER

AND

JOHN SAKALA

RESPONDENT

*Before the Honourable Mrs. Justice M.M. Bah-Matandala
Dated this 6th November, 2024.*

For the Petitioner: Ms. M. N Zulu Gondwe – National Legal Aid Clinic for Women

For the Respondent: In Person

J U D G M E N T

LEGISLATION REFERRED TO:

1. THE MARRIAGE ACT CHAPTER 50 OF THE LAWS OF ZAMBIA
2. THE MATRIMONIAL CAUSES ACT NO. 20 OF 2007 OF THE LAWS OF ZAMBIA
3. THE MATRIMONIAL CAUSES RULES 1977.

1.0 INTRODUCTION

1.1 On 14th August 2024 **Brenda Nanyunga Sakala (NEE MWIINGA)** the Petitioner herein filed a Divorce Petition

pursuant to **Section 8 and 9(1) (d) of the Matrimonial Causes Act No. 20 of 2007 of the Laws of Zambia** against the Respondent **John Sakala** on the ground that the Petitioner and the Respondent have lived apart for a continuous period of at least Two (2) years immediately preceding the presentation of the Petition.

2.0 **THE PETITION**

- 2.1 The Petition showed that the parties were lawfully married on 22nd March 2008 at Pentecostal Assemblies of God at Lusaka Urban District in the City and Province of Lusaka in the Republic of Zambia, ***pursuant to the Marriage Act Chapter 50 of the Laws of Zambia.***
- 2.2 The Petitioner and the Respondent immediately lived together as Husband and Wife in Siavonga District in the Southern Province of the Republic of Zambia.
- 2.3 The Petitioner and the Respondent last lived together as Husband and Wife at house No.8 Kaunda Square, Katete District of the Eastern Province of the Republic of Zambia.

- 2.4 The Petitioner currently resides in Chunga in the City and Province of Lusaka whilst the Respondent lives in Nkrumah East, in Kabwe.
- 2.5 The Petitioner is a Teacher at Chibolya Primary School in Katete District and the Respondent works as branch Manager at Zambia Electricity Supply Corporation (ZESCO) in Kabwe.
- 2.6 Both the Petitioner and Respondent are domiciled in Zambia.
- 2.7 That there are Three (3) children of the family now living namely;
- i Blessings Sakala aged 14 years old born on the 28th October 2009.*
 - ii Jonathan Sakala aged 12 years old born on the 12th June 2012.*
 - iii Faith Sakala aged 8 years old born on 5th February 2016.*
- 2.8 There is no other child born to either the Petitioner or the Respondent prior or during the subsistence of the marriage.

- 2.9 There are no financial arrangements for the maintenance of the other party and or the children born to the marriage.
- 2.10 There are no previous proceedings in the High Court in Zambia with reference to the marriage or property of either party to these proceedings.
- 2.11 That there are no proceedings continuing in any Court outside of Zambia in respect of the said marriage or which were capable of affecting its validity or subsistence.
- 2.12 That the said marriage has broken down irretrievably by reason of the fact that the parties have lived apart for a continuous period of two years, since July 2022, immediately preceding the filing of this Petition.
- 2.13 The Petitioner further prayed that;
- a) the said marriage be dissolved*
 - b) there be an order for property settlement.*
 - c) there be an Order for joint custody of the children of the family.*
 - d) there be an order for maintenance for the Petitioner and the children of the family.*

e) that each party bears their own costs.

2.14 In light of the foregoing, it is hereby adjudged that the marriage between the parties herein has broken down irretrievably **pursuant to Section 8 and 9(1) (d) of the Matrimonial Causes Act No. 20 of 2007 of the Laws of Zambia**. The Petitioner is granted a *decree nisi* which shall become *absolute* after the prescribed statutory period of six weeks.

2.15 I refer the application for property settlement and maintenance to the Honourable Deputy Registrar.

2.16 I grant custody of the children of the family to the Respondent with reasonable access to the Petitioner.

3.0 Each party to bear their own cost.

4.0 I order accordingly.

Dated at Lusaka, this 6th November, 2024.

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M.M.Bah-Matandala
HIGH COURT JUDGE

